

HOUSE BILL REPORT

SHB 1110

As Passed House:

February 20, 2009

Title: An act relating to prohibiting advertising and marketing to students receiving home-based instruction.

Brief Description: Prohibiting advertising and marketing to students receiving home-based instruction and their parents.

Sponsors: House Committee on Education (originally sponsored by Representatives Sullivan, Liias, Upthegrove, Orwall and Simpson).

Brief History:

Committee Activity:

Education: 1/27/09, 2/3/09 [DPS].

Floor Activity

Passed House: 2/20/09, 94-0.

Brief Summary of Substitute Bill

- Prohibits school districts from disseminating unsolicited information regarding learning programs to students and their parents who have filed a declaration of intent regarding home-based instruction.
- Excepts from the prohibition general mailings sent to all district households and materials provided in response to a parental request.

HOUSE COMMITTEE ON EDUCATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Quall, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Cox, Dammeier, Hunt, Johnson, Liias, Maxwell, Orwall, Santos and Sullivan.

Staff: Cece Clynch (786-7195)

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Home-Based Instruction.

Washington law recognizes the desire of some parents to seek home-based instruction for their child. There are statutory requirements to insure that a sufficient basic educational opportunity is provided to children receiving home-based instruction; however, decisions relating to philosophy or doctrine, selection of curriculum, methods, and time and place of instruction are left to parental discretion.

A parent who intends to cause his or her child to receive home-based instruction must annually file a declaration of such intent with the Office of the Superintendent of Public Instruction. In the declaration, the parent identifies the child by name and birth date, acknowledges that the child is between the ages of 8 and 18 and therefore subject to compulsory attendance laws, and indicates parental intent to cause the child to receive home-based instruction. If a certificated person will be providing the instruction, the parent indicates this in the declaration.

Although a child receiving home-based instruction is not required to meet the student learning goals, master the essential academic learning requirements, take state learning assessments, or obtain a certificate of individual or academic achievement, a parent must ensure that the child takes a standardized achievement test approved by the State Board of Education or has an annual academic progress assessment written by a certificated person who is currently working in the field of education. The test results and annual academic progress assessment are made part of the child's permanent record. If it is determined that the child is not making reasonable progress, the parent is required to make a good faith effort to remedy the deficiency.

Parental failure to comply with the above requirements is treated as a failure to attend school without justification and triggers the same statutorily prescribed actions by the school district that it would take to address truancy.

Learning Programs and School District Notification Requirements.

Students receiving home-based instruction, as well as those enrolled in a private school, may take courses at or receive ancillary services from the local school district. Districts may offer or contract to offer "digital programs," which means electronically delivered learning that occurs primarily away from the classroom. Students receiving home-based instruction or enrolled in private schools may enroll part-time in these digital programs. With respect to these digital programs, school districts are required to provide certain information to students and parents, including information regarding whether or not the program covers the learning goals or essential academic learning requirements and whether they permit the student to meet one or more of the state's or district's graduation requirements.

Similarly, students receiving home-based instruction or enrolled in private schools are eligible to participate in Running Start at institutions of higher education. School districts must provide general information about the program to all students in grades ten, eleven, and twelve and the parents and guardians of those students.

School districts are also required by statute to annually inform parents of the district's intradistrict and interdistrict enrollment options and parental involvement opportunities.

Summary of Substitute Bill:

School districts may not disseminate advertising, marketing, or other unsolicited information about learning programs offered by the school district to students or parents who have filed the statutorily required declaration of intent regarding home-based instruction. "Learning programs" includes, but is not limited to, digital learning programs, part-time enrollment opportunities, and other alternative learning programs. School districts may respond to parents' requests for information. General mailings or newsletters sent to all households in a district are not covered by the prohibition.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Most families providing homeschooling have very little contact with the school and do not want to have contact. If these families want to find out about learning programs they will go online and access this information. Filing the declaration of intent to provide home-based instruction is required by law. Complying with the law should not subject those in compliance to marketing efforts. The declaration should not be used by for-profit entities to market learning programs and there have been allegations in the past that this information has been sold and so used. Disallowing unsolicited provision of marketing, advertising and information will protect both privacy and safety. The Federal Educational Rights and Privacy Act includes an opt-out provision with respect to directory information but there has been a ruling that that law does not encompass students receiving home-based instruction. Mothers who are home alone during the day teaching their children will not have to fear that this fact has been disseminated outside of the school. The bill includes an exception which acts as an opt-in provision so that those who want information about various learning programs can request it and the school district can then provide it. Unless the parent requests information, the school district will be precluded from sending information about learning programs even to a homeschooled student who also takes classes through the school district. There are over 1.1 million households in the U.S. which homeschool. Most of these families attend religious services and are connected to the community. The declaration form which is required by law should have a box where a parent can either opt-in or opt-out regarding the provision of information.

(Opposed) None.

Persons Testifying: (In Support) Rep. Sullivan, prime sponsor; Dianna Brannan, Christian Homeschool Network; Diane Altman, Washington Homeschool Organization; Sherry Stacy, Christian Homeschoolers of South Sound; Karen and Kara Veldheer; and Russell Johnson, Family Policy Institute of Washington.

Persons Signed In To Testify But Not Testifying: None.